

Exhibit 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Priorities USA, Rise, Inc., and the
Detroit/Downriver Chapter of the A.
Philip Randolph Institute,

Plaintiffs,

v.

Dana Nessel, in her official capacity as
Attorney General of the State of
Michigan,

Defendant.

NO. 19-13341

JUDGE MARK A GOLDSMITH

MAGISTRATE R. STEVEN
WHALEN

**DECLARATION OF
MAXWELL LUBIN IN
SUPPORT OF PLAINTIFFS'
APPLICATION FOR A
PRELIMINARY AND
PERMANENT INJUNCTION**

I, Maxwell Lubin, declare as follows:

1. My name is Maxwell Lubin. I am currently the Chief Executive Office of Rise, Inc. I founded Rise as a graduate student at the Goldman School of Public Policy at the University of California, Berkeley. Previously, I served for three years in the Obama Administration at the U.S. Department of Education. In that role, I helped shape more than \$1 billion in annual investments in innovative schools, nonprofit organizations, and institutions of higher education. Before that, I worked for Mayor Michael Bloomberg to advocate for common sense gun safety laws, and served as a field organizer for President Obama's 2012 reelection campaign.

2. Rise, Inc. is a student-led 501(c)(4) nonprofit public benefit corporation. Rise's mission is to empower college students to advocate for policies that put higher education within reach for all. In particular, we work on efforts to eliminate tuition and fees at public colleges and universities, and end homelessness, housing insecurity, and food insecurity among college students. Our north star goal is restoring state and federal funding for public higher education to make public colleges and universities free for all students.

3. Our efforts to empower and mobilize students as participants in the political process including as organizers and voters are mission critical. Building political power within the student population is a necessary condition to achieving our policy goals. It is the position of Rise, and based on my experience in politics, government, and advocacy work it is my opinion, that candidates, officeholders, and their staffs take students' interests more seriously when students are active and engaged in the political process. This engagement encompasses not only advocacy with lawmakers such as lobbying in state capitols, but also erasing gaps between the voting rates of college student voters compared to the general population. Without student engagement and voting, we will never get policymakers to invest in college students and public higher education to accomplish our mission.

4. Rise operates nationwide, but we have two state specific campaigns: a California campaign and a Michigan campaign. We launched our Michigan

campaign in January 2019 because of opportunity created by Governor Gretchen Whitmer's election to support for free community college. Rise anticipated, based on her previous positions and campaign pledges, that Governor Whitmer would propose free community college plans, and indeed she did in her State of the State address shortly after Rise launched. In Michigan, we have a full-time State Director, part-time Deputy State Director, and (currently) 11 paid Student Organizing Fellows who support our volunteers and partner organizations.

5. Rise is a student-driven organization. Our leadership is comprised of students, as are our organizers, partners, and volunteers. Students set our agenda, including our spending priorities. Students build grassroots efforts and we cultivate, support, and fund those efforts. We do this in multiple ways.

6. Rise operates a student organizing fellowship. Currently in Michigan, there are eleven college students serving as student organizing fellows with Rise. Those fellows are paid to work around 20 hours a week to organize their campuses. Part of their work is communicating to students the importance of exercising political power by participating in the electoral process through voting and organizing. We plan to continue and likely scale up this program through the 2020 election and beyond.

7. In the past, Rise has built proprietary relational organizing technology that helps students to organize and turn out their friends to vote. In 2020, Rise has

purchased technology from outside vendors that informs students—and crucially, enables students to share information with one another—about the voting process.

8. Rise also partners with student groups and student governments, providing them with the necessary resources, including funding and technology, to execute ideas they have developed to mobilize their fellow students' participation in the political process, both in lobbying policymakers and voting.

9. Rise also operates a grant-making program called "Run With It." We offer \$1,500 grants to college students that develop innovative plans to turn out their fellow students to vote.

10. Some examples of our past campaigns to engage student voters are described below.

11. In 2018, Rise partnered with the student government at UC Berkeley to mobilize the student vote. In addition to a small grant, Rise provided relational organizing technology and assistance that enabled the student government to register 2,000+ voters on campus. As part of that effort, UC Berkeley students led a "Party at the Polls" where students could drop off their vote by mail-in absentee ballots and celebrate with one another.

12. In 2018, Rise worked with the #VoteTogether coalition organized by Civic Nation and Young Invincibles among other partner organizations to help organize at least four on-campus election day parties for students in California.

#VoteTogether was a campaign created by a coalition of non-partisan organizations with the goal of making voting a fun and celebratory communal experience. Civic Nation is a non-profit that funds and otherwise facilitates a number of multi-issue social impact campaigns ranging from affordable community college to women's empowerment. The goal of the #VoteTogether parties was to promote awareness and interest in voting on campus. As part of those parties, party attendees were offered free or discounted rides to the polls by Uber. The offering was a crucial value proposition for participating in the parties.

13. In 2018, Rise sent thousands of get-out-the-vote text messages to college students in California as well as in other states across the nation through a proprietary platform. Among those messages, Rise asked voters if they planned to vote early including by mail. For example, shortly before the June primary elections, Rise sent a message to its network asking: "Hey _____! It's your Vote Crew 🗳️ 🗳️ Did you vote early (e.g., by 🗳️) in the CA primary or are you voting tomorrow? Reply 1: Early 2: Tomorrow"

14. Rise intends to continue these efforts moving forward for the 2020 primary and general election. We have already awarded two \$1,500 Run With It grant to students at Michigan State University, one of the largest universities in the nation. One grant recipient is Tova Carter, a student who plans to educate students about their ability to vote by mail as part of her program. If permissible, the program

would also educate voters about their right to vote absentee and help students apply to vote by mail. Rise is funding several similar efforts in Alabama, California, and Nebraska. The other winning MSU student is Talyce Murray who plans to convene student leaders representing 25-30 colleges and universities for a day-long conference to discuss solutions for promoting voting access on campus and educating student voters. These solutions could include assistance with voting by mail and subsidized transportation if Rise is successful in this litigation.

15. I am aware of the Michigan law that makes it a crime to “hire a motor vehicle or other conveyance” to transport voters to the polls unless those voters are “physically unable to walk” (“the Voter Transportation Ban”). Mich. Comp. Laws § 168.931(1)(f). I am also aware of the Michigan law that allows only persons who are registered voters in Michigan to assist voters with their absentee ballot applications and bans requesting or soliciting to assist voters with their absentee ballot applications (“the Absentee Ballot Organizing Ban”). Mich. Comp. Laws § 168.759(4), (5), (8).

16. I am aware that Attorney General Dana Nessel has repeatedly refused to disavow enforcement of the Voter Transportation Ban and the Absentee Ballot Organizing Ban and has instead defended the constitutionality of those laws. I am also aware that county prosecutors in Michigan have refused to disavow enforcement of the laws.

17. I am concerned about the impact of the Voter Transportation Ban and the Absentee Ballot Organizing Ban and Rise has and will have to modify its operations in Michigan to accounts for these laws.

18. In my experience, get-out-the-vote activities such as rides to the polls and absentee ballot organizing are critically important organizing tools for our student organizers and volunteers. Each of these interactions provides a platform for the organizer and their fellow students to discuss why voting is a form of exercising political power and how voting shapes policy that affects student life. The Voter Transportation Ban and Absentee Ballot Organizing Ban prevent Rise from funding these efforts and from encouraging its employees, student organizers, grant recipients, and volunteers from participating in these activities.

19. The Voter Transportation Ban and Absentee Ballot Organizing Ban will require Rise to expend additional resources and employee time to educate its employees, student organizers, grant recipients, and volunteers in Michigan about what conduct is and is not permitted under those laws. Specifically, this will require significant time commitment from me as the Rise, Inc. CEO to not only educate our leadership team about what is legally permissible, but also to ensure their ongoing compliance with these regulations as we scale our programs over the course of 2020. The opportunity cost means less time and energy for me to focus on my essential roles as CEO to fundraise, develop our strategy, and manage our team.

20. Getting students to the polls is one of Rise's overall programmatic focuses. Because of the Voter Transportation Ban, Rise and its student organizers, partners, and volunteers would have to recruit and train volunteers to drive students to voting rather than renting large capacity vehicles such as buses or leveraging existing resources like The Detroit Bus Company and Uber. It is crucial to note that college students are particularly ill-equipped to serve as volunteer drivers for their peers because of the time commitment involved. According to research from the Georgetown Center on Education and the Workforce, an estimated 70 percent of all college students work part or full-time while enrolled in college. These professional commitments—which are essential to students' ability to afford college and maintain their academic standing—create barriers to students participating in volunteer activities such as driving peers to the polls during election season.

21. I am concerned that the Voter Transportation Ban and Absentee Ballot Organizing Ban will depress student voting in Michigan. Suppression of this vote will hurt Rise's mission of empowering and mobilizing students as participants in the political process including as organizers and voters.

22. In my experience, convenience is a significant factor that drives student voting or lack thereof.

23. In my experience, student voters have less access to private transportation. College students also have lower levels of income and access to

financial resources and often struggle financially to meet even their own basic needs such as food and housing.

24. For these reasons, ensuring students can easily access convenient transportation to early voting and to polling locations on election day and encouraging absentee voting are programmatic focuses of Rise.

25. But for the Voter Transportation Ban, Rise would fund transportation for voters to go to vote in Michigan. If Rise is successful in this litigation, Rise intends to fund transportation for voters to the polls in Michigan.

26. But for the Absentee Ballot Organizing Ban, Rise would deploy its employees, student organizers, grant recipients, and volunteers to organize around absentee voting including specifically educating voters about their rights to vote absentee and about the absentee voting process, offering assistance to voters in submitting an absentee ballot application, and assisting voters in submitting absentee ballot applications. If Rise is successful in this litigation, Rise will deploy its employees, student organizers, and volunteers, to engage in organizing student voters in Michigan around absentee voting.

27. I believe that organizing around absentee ballot voting is particularly important in Michigan in this election cycle because it is the first federal election in which all students can vote absentee in Michigan.

28. Rise desires to organize around absentee voting and rides to the polls for the 2020 election. The available information suggests that several of the federal races including the elections for the U.S. House of Representatives, U.S. Senate, and the U.S. Presidency will be closely contested in Michigan. The outcome of these elections in Michigan will have an outsized influence on our national politics. That is another reason why Rise has focused on Michigan. Rise's ability to mobilize its core constituencies in Michigan for the 2020 election is critical to its mission of building political power in the student voting population and achieving its policy goals of eliminating tuition and fees and ending homelessness, housing insecurity, and food insecurity among college students.

29. As the election quickly approaches, every day that passes by with the Voter Transportation Ban and Absentee Ballot Organizing Ban in effect hurts Rise's ability to plan, organize, and fundraise to support its get-out-the-vote efforts.

I certify under penalty of perjury and pursuant to the laws of the United States that the preceding is true and correct.

Executed on 1/27/2020

By: 

Maxwell Lubin
CEO, Rise, Inc.